

REMARKS

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1 and 3 are pending in this application.

Claims 1 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fukawa (U.S. Patent 5,568,654) in view of Tymes et al. (U.S. Patent 5,668,803) and Mitchell (U.S. Patent 6,741,841).

The present claims now recite "wherein said predetermined data is at least one of video streaming data and audio streaming data which is being multicast to the terminal from at least said first base station and said second base station." (Claims 1 and 3) The present invention is directed to the receipt of streaming data (audio or video) by receiving devices (i.e. the terminal) moving through overlapping cells of a number of base stations in a wireless network. To reduce bandwidth, the streaming data is only transmitted by those base stations currently having a receiving device in their cell. When a receiving device moves to a new area, the present invention chooses a new base station on the basis of both the signal strength and on whether "a second base station which is already broadcasting said predetermined data." (Claim 1) In this manner, the present invention reduces the number of new base stations which must be requested to start delivery of the predetermined data as receiving devices move between cells.

The Examiner contends Tymes discloses selecting a base station based on both the reception level and for ongoing delivery of the predetermined data as in the present invention. (Office Action page 4) However, at the cited locations, Tymes actually selects a base station based on the reception level

(i.e. signal strength) and a quality factor (which is a correlation coefficient). (Column 29, line 66 to Column 30, line 5) Tymes does not disclose selecting a base station based on whether said second base station is already broadcasting predetermined data as in the present claims. Tymes' selection of a base station based on a quality factor is not analogous to the present invention's selection based on ongoing streaming.

Accordingly, for at least this reason, the combination of Fukawa, Tymes and Mitchell fails to obviate the present invention and the rejected claims should now be allowed.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

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Docket No.: SONYJP 3.3-337

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095.

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Respectfully submitted,

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